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June 2, 2023

VIA ELECTRONIC CASE FILING

Hon. Ronnie Abrams, U.S.D.J.
Southern District of New York
40 Foley Square
New York, NY 10007

RE: *Trustees of the New York City District Council of Carpenters Pension et al. v. Advanced Construction Equipment Corp., et al., 23 CV 2579 (RA)*

Dear Judge Abrams,

This firm represents the Plaintiffs (or “Funds”) in the above referenced matter. We write with the consent of all Defendants to provide the Court with a status update and request a one-month adjournment of the status conference currently scheduled for June 9, 2023 at 10:45am. This is the first such request for an adjournment.

This is an action by the Funds, a group of multi-employer benefit plans, to collect contributions and related damages pursuant to the Employee Retirement Income Security Act and New York Labor Law. All Defendants in this action have been properly served with the Funds’ Complaint or requested waivers of service thereof. Defendant Advanced Construction Equipment Corp. (“Advanced”) has filed its answer and cross claims against the other two defendants, North American Specialty Insurance Company (“NASIC”) and BQE Industries, Inc. (“BQE”). BQE and NASIC requested waivers of service as to the complaint filed by the Plaintiffs, which were duly filed. BQE and NASIC’s answers to Plaintiffs’ complaint are now due on July 5, 2023 and July 10, 2023, respectively.

The Plaintiffs have engaged in preliminary settlement discussions with the Defendants regarding the resolution of the Plaintiffs’ claims. The parties believe that additional time to explore settlement will be productive. The Plaintiffs have also received partial payments via joint checks issued by the New York City School Construction Authority on behalf of BQE. Upon confirmation of clearance and application of these payments to hours worked by members, the Plaintiffs anticipate filing an amended complaint.

In light of the foregoing, the parties believe that a one-month adjournment of the initial conference on or after July 11, 2023 (sufficient to allow BQE and NASIC to file their answers, if necessary) will both facilitate settlement and accommodate the current procedural posture of the case.

We thank the Court for its time and attention to this matter.

Respectfully submitted,


/s/Maura Moosnick

Maura Moosnick, Esq.

Cc: All counsel of record (via ECF)

The initial conference is hereby adjourned until July 19, 2023 at 2:00 p.m. The parties shall submit their joint letter and proposed case management plan one week in advance of the conference.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Hon. Ronnie Abrams

6/5/2023